

The City Council met in regular session at the hour of 8:36 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

President Boyajian noted this was the last meeting of the year and as Council President thanked the Budget Committee for their hard work in getting a council budget oriented to certain things, and thanked Council members individually for working cooperatively as a team and also thanked the Agency Director, City Manager, Assistant City Manager, City Attorney and City Clerk.

Pastor Jack Douglas, Baptist Temple Church, gave the invocation and led the Pledge of Allegiance to the Flag.

PROCLAMATION OF ANDRE VAN DE GRAAF DAY - COUNCILMEMBER DUNCAN

PROCLAMATION OF RICHARD'S RESTAURANT DAY - COUNCILMEMBER STERLING

PROCLAMATION OF DAVE RUFFNER AND THE FRESNO HIGH SCHOOL BASS QUINTET DAY - PRESIDENT BOYAJIAN

The above proclamations were read and presented and the Bass Quintet performed Christmas songs and the Fresno High fight song.

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#### **APPROVE MINUTES OF DECEMBER 9, 2003**

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of December 9, 2003, approved as submitted.

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#### **COUNCIL MEMBER REPORTS AND COMMENTS:**

**(4-A) APPEARANCE BY BEV SHUEMAKE OF CAFÉ 309 REQUESTING WAIVER OF ASSESSED FIRE INSPECTION AND RE-INSPECTION FEES**

Councilmember Sterling requested the item be heard as soon as possible for citizen convenience and the matter was heard following adoption of the Consent Calendar.

**MAYOR'S PRESS CONFERENCE ON POTENTIAL LOSS OF VEHICLE LICENSE FEES (VLFs) AND ENCOURAGEMENT TO STAFF TO CONSIDER AND REPORT BACK EARLY NEXT YEAR WITH INFORMATION ON APPROPRIATE ACTIONS TO TAKE IF THE FEES ARE NOT BACKFILLED INCLUDING USE OF THE CONTINGENCY BUDGETS IN PLACE - COUNCILMEMBER CALHOUN**

Request made.

## REQUEST FOR REPORT ON HOW LOCAL PREFERENCE WORKS AND WHEN IT CAN BE USED - COUNCILMEMBER DAGES

Request made with City Attorney Montoy stating she would provide a memo to Council.

## COMMENDATION TO COUNCIL AND STAFF FOR THEIR PARTICIPATION AND COOPERATION IN THE TRAINING WORKSHOP HELD DECEMBER 10, 2003 - PRESIDENT BOYAJIAN

Commendation made.

## VEHICLE LICENSE FEES AND MAYOR'S LETTER TO THE GOVERNOR - CITY MANAGER HOBBS

City Manager Hobbs submitted copies of the Mayor's letter stating it was a very strongly worded letter, it did not mince words, and it very pointedly directs the Governor and State Legislature to protect the cities and keep their pledge. Councilmember Duncan requested along with the Mayor's letter that a letter also be sent to the committee that has held up two bi-partisan bills that would reimburse the VLFs emphasizing pressure was needed. Upon question of Acting President Castillo, City Attorney Montoy advised the Mayor had authority to send letters as the Mayor of the city as did members of Council individually.

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### **APPROVE AGENDA:**

#### **(1-S) AMEND CURRENT POLICY TO INCLUDE FUNDING MAINTENANCE ACTIVITIES OF PG&E EASEMENT AND OF OPEN SPACES BETWEEN SUBDIVISIONS AND CANALS BY COMMUNITY FACILITIES DISTRICT NO. 2**

Removed from the agenda by staff.

#### **(3-C) DISCUSSION AND INFORMATION REGARDING A DECEMBER 18, 2003, HEARING OF THE PUBLIC UTILITIES COMMISSION TO RULE ON THE PROPOSED SETTLEMENT AGREEMENT (PSA) WITH PG&E WHICH WILL SET ELECTRICITY RATES AS THE HIGHEST IN THE STATE FOR YEARS TO COME - COUNCILMEMBER CALHOUN**

Councilmember Duncan stated sometimes items that have the best of intentions are placed on the agenda but result in unintended consequences and the City having little impact on what may be happening, noted this item was such an item and acknowledged this was an appropriate opinion for a council member to express but stated the issue of PG&E and their bankruptcy was an extremely complicated one and had undergone a long process, also added an appropriate public comment period occurred in August for the subject hearing, and stated sometimes the result, although unintended, pits Council against the city's largest employer and the citizens and made a motion to remove the item from the agenda.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Item 3-C removed from the agenda, by the following vote:

Ayes	:	Castillo, Duncan, Perea, Sterling
Noes	:	Calhoun, Dages, Boyajian
Absent	:	None

(\*Note - Councilmember Calhoun commented later under Unscheduled Communication.)

#### **(3-A) DIRECT DESIGNATION OF WILLOW AVENUE BETWEEN E. LANE AND E. KINGS CANYON BE CHANGED FROM A BIKE PATH TO A BIKE ROUTE - COUNCILMEMBER DAGES**

Councilmember Dages corrected the title to read "...be changed from a bike lane to a bike route". So noted and corrected.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : Calhoun  
 Absent : None

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### **ADOPT CONSENT CALENDAR:**

Gloria Torrez stated all the items on the consent calendar are not routine to the public and they should be discussed and voted upon separately; relative to Item **1-G** questioned the intent of the issue, how many trucks the city currently has and uses, and stated she wanted to see the SJVAPCD address real air quality issues; and relative to **1-J** stated the program would be better if FAX operated on a daily schedule and spoke to the need for better weekend service, improvements, riders' needs addressed, and for FAX money to stay with FAX.

**(1-B)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO KITAHARA PONTIAC GMC BUICK, INC, OF FRESNO, IN THE AMOUNT OF \$30,000 FOR GENERAL MOTORS ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS FOR THE FLEET MANAGEMENT DIVISION

**(1-C)** AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$112,800 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 4B LOCATED AT 2633 E. MCKINLEY AVENUE

**(1-D)** AWARD A CONTRACT TO BILL MARVIN ELECTRIC, INC., OF FRESNO IN THE AMOUNT OF \$38,143 TO INSTALL BIKE CROSSING FLASHING BEACONS AT SHEPHERD AVENUE AND THE SUGAR PINE TRAIL

**(1-E)** AWARD A CONTRACT TO B H CABLE JOINT VENTURE OF SACRAMENTO IN THE AMOUNT OF \$609,150 FOR FIBER OPTIC INTERCONNECT INFRASTRUCTURE FOR CLOVIS UNIFIED SCHOOL DISTRICT CAMPUSES

**(1-F)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO CALAVERAS MATERIALS, INC., OF FRESNO IN THE AMOUNT OF \$1,588,008.99 FOR ASPHALT CONCRETE

**(1-G)** AUTHORIZE THE GENERAL SERVICES DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TO RECEIVE \$143,451 OF GRANT FUNDS FROM THE HEAVY DUTY ENGINE INCENTIVE PROGRAM TO BE USED TO MITIGATE 57% OF THE INCREMENTAL COST OF 11 LIQUID NATURAL GAS (LNG) POWERED REFUSE TRUCKS

**(1-H) RESOLUTION NO. 2003-386** - 54<sup>TH</sup> AMENDMENT TO AAR 2003-209 APPROPRIATING \$26,800 TO REASSIGN THE EMERGENCY PREPAREDNESS OFFICER (EPO) TO THE FIRE DEPARTMENT FROM THE POLICE DEPARTMENT

**1. RESOLUTION NO. 2003-387** - 1<sup>ST</sup> AMENDMENT TO PAR RES. 2003-210 REALLOCATING THE POSITION FROM THE POLICE DEPARTMENT TO THE FIRE DEPARTMENT

**(1-I)** APPROVE AGREEMENT WITH THE FRESNO UNIFIED SCHOOL FOR RECREATIONAL USE OF SCHOOL FACILITIES AND EDUCATIONAL USE OF CITY FACILITIES, AND AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**(1-J)** AUTHORIZE THE TRANSIT GENERAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE CALTRANS DIVISION OF RAIL FOR SUBSIDIZED TRANSIT TRANSFER PASSES

**(1-K)** ITEM REMOVED FROM THE AGENDA

**(1-L) RESOLUTION NO. 2003-388** - 52<sup>ND</sup> AMENDMENT TO AAR 2003-209 APPROPRIATING \$45,000 TO THE POLICE DEPARTMENT TO CONTINUE TO PROVIDE ADDITIONAL SECURITY AND PROTECTION SERVICES FOR PUBLIC HOUSING

**1. RESOLUTION NO. 2003-389** - AUTHORIZING THE CONTINUATION OF ADDITIONAL SECURITY AND PROTECTION SERVICES FOR PUBLIC HOUSING UTILIZING FUNDING PROVIDED BY THE HOUSING AUTHORITY AND EXECUTION OF RELATED DOCUMENTS

**(1-M)** AUTHORIZE THE CHIEF OF POLICE TO ACCEPT THE ONE-THIRD SHARE OF THE CIVIL FINES COLLECTED BY THE COUNTY FOR TOBACCO VIOLATIONS THAT OCCUR IN THE CITY

**1. RESOLUTION NO. 2003-390 - 55<sup>TH</sup>** AMENDMENT TO AAR 2003-209 APPROPRIATING \$20,000 TO THE POLICE DEPARTMENT FOR THE CITY'S SHARE OF TOBACCO VIOLATIONS FINES

**(1-N)** APPROVE PURCHASE OF A STREET EASEMENT VALUED AT \$2,300 FROM PROPERTY OWNED BY CARL D. AND ANDREA S. WEST AT THE SOUTHEAST CORNER OF HERNDON AND VAN NESS AVENUES, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

**(1-P)** APPROVE THE PURCHASE OF A STREET EASEMENT FROM RITE AID LEASE MANAGEMENT COMPANY FOR THE STREET WIDENING PROJECT AT SHAW AND WEST AVENUES IN THE AMOUNT OF \$5,900, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

**(1-Q)** APPROVE THE DRY CREEK ALIGNMENT AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT FOR THE RELOCATION, MAINTENANCE, AND PARTIAL LINING OF THE OPEN CANAL LOCATED AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY; APPROVE GRANTING AN EASEMENT FOR THE NEW IRRIGATION CANAL; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT AND EASEMENT DEED ON BEHALF OF THE CITY

**(1-R)** APPROVE APPOINTMENTS OF JOHN VALENTINE (DISTRICT 1), RAY APPLETON (DISTRICT 2), GERALD V. LYLES (DISTRICT 3), ANDRA CHRISTENSEN (DISTRICT 4), LARRY RAVEN (DISTRICT 5), JONATHAN RICHTER (DISTRICT 6) AND COKE HALLOWELL (DISTRICT 7) TO THE CITIZENS' ADVISORY COMMITTEE FOR THE CHAFFEE ZOO

Councilmember Duncan complimented Council on their appointments stating this was an outstanding group of citizens. Councilmember Sterling noted the Mayor was also recommending Mr. Lyles and City Manager Hobbs recommended the above appointments be approved as presented and he would speak with the Mayor's staff on his appointee.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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#### **PUBLIC COMMENT PERIOD:**

**(4-A) SCHEDULED COMMENT -** APPEARANCE BY BEV SHUEMAKE OF CAFÉ 309 REQUESTING WAIVER OF ASSESSED FIRE INSPECTION AND RE-INSPECTION FEES

Ms. Shumake noted many city-wide luncheons have been held at Café 309 and advised at a luncheon held in August someone noticed a lack of signs relative to occupancy and called for an inspection, and requested the fees assessed be waived as none of the conditions were caught during the fire department's regular inspection. President Boyajian and City Attorney Montoy advised the matter was not scheduled for action this date and that a Council member would have to bring the matter back on a future agenda for hearing and action.

#### **UNSCHEDULED COMMUNICATION:**

APPEARANCE BY TOMAS ACOSTA REGARDING NEED FOR FREE BUS SERVICE TO PATRONIZE BUSINESSES

Appearance made **(2 - 0)**; no action taken.

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**(3-C) DISCUSSION AND INFORMATION REGARDING A DECEMBER 18, 2003, HEARING OF THE PUBLIC UTILITIES COMMISSION TO RULE ON THE PROPOSED SETTLEMENT AGREEMENT (PSA) WITH PG&E WHICH WILL SET ELECTRICITY RATES AS THE HIGHEST IN THE STATE FOR YEARS TO COME - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated this was the third time an item of his was removed and that the tabling of his item a couple of weeks ago for six months was a slap in the face to him; emphasized the subject matter was brought forth for discussion purposes only, he was not asking for any action to be taken, and this was a very important issue that needed to be discussed noting PG&E was present to speak on the issue; and referencing comments made about respecting one another expressed his strong concern with the approach taken stating Council was playing games and he did not like it.

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**(2-A) RESOLUTION NO. 2003-391 - 56<sup>TH</sup> AMENDMENT TO AAR 2003-209 APPROPRIATING \$427,100 FOR 13 NEW POSITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT**

**1. RESOLUTION NO. 2003-392 - 2<sup>ND</sup> AMENDMENT TO PAR 2003-210 ADDING 13 NEW FULL TIME EQUIVALENTS (FTEs) FOR THE PLANNING AND DEVELOPMENT DEPARTMENT**

Planning and Development Director Yovino reviewed the issue as contained in the staff report as submitted.

Jeff Roberts, Granville Homes, on behalf of the Building Industry Association, spoke in support of the issue.

Mr. Yovino responded to questions and comments of Councilmember Dages relative to how the positions will improve service, time line to have staff "up and running", and the 3,000 homes on the drawing board in southeast Fresno and need to have staff on board as soon as possible. Councilmember Calhoun stated the Mayor's economic development task force unanimously supported staff's recommendation and elaborated on the issue and meetings held. A motion and second was made to approve staff's recommendation.

Mr. Yovino responded to questions of Acting President Castillo relative to funding source and what will happen after the level of activity drops after 3 to 5 years. Councilmember Duncan and City Manager Hobbs clarified funding for the positions is generated by and will come solely from the planning and development department, the general fund will not be affected, the funds are from an enterprise fund and can only be used for these kinds of activities, and this will add a half billion dollars to the city's tax base. President Boyajian stated he hoped some of the dollars would go to infill and inner-city issues and added staff and the task force needed to look closely at what types of businesses and jobs will be created emphasizing decent wages and benefits were needed.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-391 and 2003-392 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(9:30 A.M.) BANKSIDE TRAIL PROJECT**

**1. APPROVE REQUEST FOR AUTHORIZATION TO SEEK AND SOLICIT GRANTS TO FUND THE BANKSIDE TRAIL PROJECT - PRESIDENT BOYAJIAN**

**2. RESOLUTION NO. 2003-393 - SUPPORTING THE HERNDON CANAL PARKWAY PROJECT**

President Boyajian spoke in support of the project and gave an overview of the issue as contained in the memorandum and staff report as submitted. Public Works Director Ruiz displayed a General Plan Multi-Purpose Trails map, and along with John Valentino, Tree Fresno, Coalition for Community Trails, and Operation Clean Air, spoke further to the project, soliciting funds, and enhancing partnerships.

Acting President Castillo thanked all involved stating he would like to see these projects throughout the city and also stated he wanted to see the city work in conjunction with the Fresno Irrigation District (FID) to clean up canals at the times they contain no water stating no one wants to see the debris that is dumped in canals while walking or jogging. President Boyajian thanked all involved for their vision and collaboration and thanked the FID for their cooperation.

On motion of President Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, authorization given to seek and solicit grants to fund the Bankside Trail Project, and the above entitled Resolution No. 2003-393 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

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**(2-B) RESOLUTION NO. 2003-394 - REQUESTING THAT THE COUNTY OF FRESNO GRANT AUTHORITY TO THE CITY OF FRESNO TO REVIEW PLANS, ISSUE PERMITS AND INSPECT IMPROVEMENTS WITH RESPECT TO THE COPPER RIVER RANCH PROJECT SITE CLEARANCE AND GRADING**

Councilmember Duncan gave an overview of the issue and spoke in support stating it would be much better for the environment if these activities are done now. Planning and Development Director Yovino added the County's consent was needed.

Jeff Roberts, Copper River Ranch, spoke in support.

A motion and second to approve staff's recommendation was made and acted upon after brief discussion with Mr. Yovino responding to questions of Acting President Castillo and President Boyajian relative to status of the project including time line and annexation, and if this action would help to speed up the process.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-394 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

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\* A visiting third grade class from Del Mar Elementary School was recognized and welcomed.

**(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-03-42 AND ENVIRONMENTAL FINDINGS FILED BY ROBERTO SEPULVEDA, PROPERTY LOCATED AT THE NORTHWEST CORNER OF S. FOURTH STREET AND E. VENTURA STREET IN COUNCIL DISTRICT 5**

**1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-42, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)**

**2. BILL NO. B-103 - ORDINANCE NO. 2003-103 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-3 TO C-P**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Jones reviewed the issue as contained in the staff report as submitted, and Councilmember Dages spoke briefly in support and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Finding of Conformity with MEIR No. 10130 prepared for the 2025 Fresno General Plan for Environmental Assessment No. R-03-42 issued on October 16, 2003, hereby approved, and the above entitled Bill No. B-103 rezoning the subject site adopted as Ordinance No. 2003-103, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

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RECESS - 10:04 A.M. - 10:17 A.M.

142-216

12/16/03

(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-02, REZONE APPLICATION NO. R-03-15, AND ENVIRONMENTAL FINDINGS, FILED BY J. MARGOLIN, PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. SHAW AND FREEWAY 41 IN COUNCIL DISTRICT 7

1. CONSIDER AND ADOPT THE FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-02/R-03-15/C-03-52

2. **RESOLUTION NO. 2003-395** - AMENDING THE 2025 FRESNO GENERAL PLAN AND HOOVER COMMUNITY PLAN

3. **BILL NO. B-104 - ORDINANCE NO. 2003-104** - AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONMENTAL SPECIFIC PLAN TO CHANGE THE PLANNED LAND USE DESIGNATION

4. **BILL NO. B-105 - ORDINANCE NO. 2003-105** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-P/BA-30 TO R-3/cz

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Councilmember Perea noted the property has been vacant for some time and stated this was a great in-fill project and made a motion to approve. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Dirk Poeschel, 923 Van Ness, spoke briefly to the issue and in support of staff's recommendation.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan (**3 - 0**) and President Boyajian spoke in support and commended the developer for his investment in the area and for coming forward and paying fees to help alleviate impacts.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-02, R-03-15, C-03-52, dated October 31, 2003, hereby approved; the above entitled Resolution No. 2003-395 hereby adopted; and the above entitled Bill Nos. B-104 and B-105 adopted as Ordinance Nos. 2003-104 and 2003-105 respectively, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(2-C) BILL NO. B-106** - AMENDING SECTION 3-202 OF THE FRESNO MUNICIPAL CODE RELATING TO THE SALE OR OTHER DISPOSITION OF SURPLUS PERSONAL PROPERTY

General Services Director Nerland reviewed the issue as contained in the staff report as submitted and responded to questions of President Boyajian relative to the recommended limit and why staff was not recommending Stockton's limit.. Councilmember Calhoun noted he originally raised this issue and commended staff for their report and recommendation stating it made sense, and made a motion to approve staff's recommendation. Councilmember Duncan seconded the motion and also spoke briefly in support.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Bill No. B-106 introduced before the Council and laid over, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(10:30 A.M.)** HEARING TO CONSIDER THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM THREE PARCELS OF REAL PROPERTY LOCATED AT THE INTERSECTION OF E. SHAW AND N. CEDAR AVENUES (APNS 427-020-70, 418-040-50 AND 418-040-57) LOCATED IN COUNCIL DISTRICT 4

**1. RESOLUTION NO. 2003-396 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM REAL PROPERTY LOCATED AT E. SHAW AND N. CEDAR AVENUES**

**142-217**

**12/16/03**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Supervising Real Estate Agent Balch and Project Manager/Assistant Design Services Manager Mozier reviewed the issue as contained in the staff report as submitted including the concerns/questions raised by the tenant, Wendy's, the appraisals and offers made, and the findings to be made necessitating the acquisition, using drawings throughout to illustrate.

Speaking to the issue were: Nick Lucich, Attorney for Wendy's of Fresno, Inc., and the President of the Wendy's (name unintelligible), who expressed concerns relative to the restaurant already being on a small parcel, loss of parking, loss of business during construction, and traffic impacts; and Gloria Torrez who stated she hoped bus stops would not be eliminated stressing they were needed at all four corners of the intersection.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Balch and Mr. Mozier responded to questions of Councilmember Duncan relative what the main concern/opposition was (price or the project itself), if parking issues/concerns would be addressed, if the project would improve traffic safety, and if future in-fill and future projects would increase traffic in the area. Councilmember Duncan stated improvements at the intersection were clearly needed, staff did a good job of addressing issues/concern, and business would not be adversely impacted, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Mr. Mozier, Mr. Balch, Mr. Lucich, City Attorney Montoy, the President of Wendy's, and Councilmember Calhoun clarified/spoke to various issues and/or responded to questions/comments of Acting President Castillo and President Boyajian relative to whether the comment made about traffic backing up to Wendy's driveway was true, project design relative to street takings, how the project would affect bus stops, blocking traffic, if staff had discussions with Wendy's relative to landscaping and parking issues, inconvenience and parking (not money) being Wendy's main concern, if the motion could include approval of a variance or guarantee that parking would not be eliminated due to landscaping, impact on the drive-through, and previous Council direction relative to landscaping the Shaw/Blackstone intersection.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-396 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(10:45 A.M.) HEARING TO CONSIDER DESIGNATING PROPERTIES TO THE LOCAL REGISTER OF HISTORIC RESOURCES**  
**1. RESOLUTION NO. 2003-397 - DESIGNATING THE JOSEPH H. BOLITHO HOME LOCATED AT 33 N. CALAVERAS STREET TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES**  
**2. RESOLUTION NO. 2003-398 - DESIGNATING THE MCGEE-MACIAS HOMES LOCATED AT 115 N. CALAVERAS TO THE LOCAL REGISTER OF HISTORIC RESOURCES**  
**3. RESOLUTION NO. 2003-399 - DESIGNATING THE VALLEY LAHVOSH BAKING COMPANY LOCATED AT 502 "M" STREET TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Historic Preservation Project Manager Hattersley-Drayton gave a Power Point presentation on the three homes proposed for designation **(4 - 0)** and recommended approval.

Speaking to the issue were Javier Guzman, Chair, and Alfonso Hernandez, Director, Chicano Youth Center (CYC), who spoke to the lack of recreational facilities and the Bolitho Home and their efforts to increase recreational facilities and obtain grant funds.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.



Councilmembers Sterling, Perea, President Boyajian and Acting President Castillo spoke in support of the designations and/or to the relocation of the Bolitho Home and the CYC's efforts, and thanked everyone for their great collaboration and working together.

142-218

12/16/03

On motion of Councilmember Calhoun seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-397, 2003-398 and 2003-399 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(11:00 A.M.)** CONTINUED HEARING ON REZONE APPLICATION NO. R-03-52 AND ENVIRONMENTAL FINDINGS, FILED BY LISA QUIMET-MONACO, PROPERTY LOCATED ON THE NORTH SIDE OF W. HERNDON AVENUE BETWEEN N. GOLDEN STATE BOULEVARD AND FREEWAY 99

**1.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-52, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

**2. BILL NO. B-107 -ORDINANCE NO. 2003-106** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M-1/UGM TO C-M/EA/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez reviewed the issue as contained in the staff report as submitted, advised the applicant agreed to pay for the traffic impact study, and recommended approval.

Ray Salazar, 6565 N. Blythe Avenue, representing the applicant, thanked Caltrans for accepting the proposal and rescinding their opposition to the project.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Calhoun advised Council dealt with an adjacent piece of property previously and noted his concern at that time was for a quality project because this area was going to be the city's new entrance/gateway to Fresno, advised the project being proposed would be a real credit to the city, and upon question Development and Planning Director Yovino confirmed an image component dealing with entryways/gateways was in the new General Plan that had not been before and staff fully intended to implement those guidelines and follow policy as entitlements area filed. Councilmember Calhoun added the developer had shared his design guidelines and project models with him and he was in support, stated more and more nice things were beginning to happen with other entrances that were taking shape, interest in Shaw Avenue and redevelopment on Golden State corridor, and made a motion to approve staff's recommendation. President Boyajian commended the developer for taking responsibility with impact fees.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of conformity with MEIR No. 10130 for the 2025 Fresno General Plan for Environmental Assessment No. R-03-52 issued on October 30, 2003, hereby approved, and the above entitled Bill No. B-107 adopted as Ordinance No. 2003-106, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3-A)** DIRECT DESIGNATION OF WILLOW AVENUE BETWEEN E. LANE AND E. KINGS CANYON BOULEVARD BE CHANGED FROM A BIKE LANE TO A BIKE ROUTE - COUNCILMEMBER DAGES

Councilmember Dages gave a brief overview of the issue, stated the day care business depended on street parking in front of the business, and made a motion to change the designation from a bike lane to a bike route, which motion was seconded and later acted upon.

Shirley Harris, Owner/Operator, Jack and Jill's Educational Center, 985 and 969 S. Willow, and LaVera Williams, no address provided, spoke further to the issue and in support of the motion.

Assistant Public Works Director Elam advised this designation was part of a larger bike lane network, stated staff understood the need to be sensitive to businesses, advised of the process that would be followed for lanes and routes in the future, and noted this was a Council policy call and stated staff would work through the challenges.

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Lengthy discussion ensued. Councilmember Calhoun pointed out businesses are provided off-street parking and on-street parking was a convenience, stressed letting children off on a street was a dangerous practice, advised he took his "licks" from property owners a year ago when Palm Avenue was designated a bike lane but he determined a bike lane on Palm was the greater good and added he has not received any complaints, and emphasized bike lanes were needed for bicyclists and he opposed the motion as it would put a huge hole in the bike lane process. Councilmember Duncan stated this same issue would be repeated in the future and spoke in support of sending requests for changes to the bicycle implementation committee to make the process smoother/simpler, with Mr. Elam concurring. Mr. Elam and Ms. Harris responded to questions of President Boyajian and Acting President Castillo relative to whether this issue went before the bicycle committee, if city staff ever talked with Ms. Harris about the bike lane, what the objection was since on-site parking was available, if people preferred to drop children off in a parking lot versus a street, what parking was currently available on the streets around the business, if a bike lane through Pilibos Park was possible as suggested by Ms. Williams, if the change would break up the bike lane continuity, difference between a bike lane and route, and if people were allowed to park on bike routes. Councilmember Sterling pointed out the type of business needed to be considered and spoke to the convenience and comfort of on-street (front) parking for parents dropping off infants up to toddlers 4-5 years of age. Mr. Elam responded briefly to additional questions of President Boyajian relative to whether a process was currently in place that Council needed to abide by and if Ms. Harris wanted this issue to go through the committee.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the designation of Willow Avenue between E. Lane and E. Kings Canyon Boulevard hereby changed from a bike lane to a bike route, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	Calhoun
Absent	:	None

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#### **LUNCH RECESS - 11:58 A.M. - 2:03 P.M.**

Councilmember Duncan noted the Chaffee Zoo had a very special "Angel" who has helped to raise money for the zoo and advised he just received an update that \$20,372 had been collected because of Angel and her efforts. Councilmember Dages added Angel challenged the police department to donate \$1.00 for each officer during the Huntington Boulevard Candlelight Christmas ceremony and suggested staff look into that.

#### **(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-A) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO DECKER FORD, INC., D.B.A. FUTURE FORD OF CLOVIS FOR FORD ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS FOR THE FLEET MANAGEMENT DIVISION**

**(5 - 0)** Councilmember Dages stated the two bids would be equal if the sales tax were to be taken into consideration and explained, and questioned why the city should support Clovis' sales tax and not Fresno's, with Interim Purchasing Manager Smith responding. Councilmember Dages stated he could not support staff's recommendation and City Manager Hobbs clarified under the rules Future Ford was the low bidder. Councilmember Duncan made a motion to award the bid as recommended by staff. Upon question of President Boyajian, City Attorney Montoy stated the bid could not be awarded to Lithia this date and added staff would look into the issue of using local sales tax as part of local preference or whether it could be used in a different way in the bid specs. Acting President Castillo requested staff also bring something back to Council relative to giving business to companies inside the city limits, with President Boyajian and Councilmember Sterling concurring.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, a one-year requirements contract, with provisions for two one-year extensions, hereby awarded to Decker Ford, Inc., dba Future Ford of Clovis, in the amount of \$72,000 for Ford original equipment manufacturer (OEM) parts for the Fleet Management Division, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian  
Noes : Dages  
Absent : None

**(1-O) CONSIDER REVISING THE THREE-YEAR UNDERGROUND UTILITY DESIGN PLAN**

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Councilmember Dages stated staff addressed his issue relative to Project FRE 74 Phase 3, Kings Canyon - Maple to Willow Avenues and explained, and made a motion to adopt the revised plan. Assistant Design Services Manager Mozier and Supervising Engineering Technician Polsgrove responded to questions of President Boyajian and Acting President Castillo relative to whether the priorities were staffs, PG&E's or Pac Bell's, if the funds were federal or state dollars, what criteria is used to determine priority/order of projects, who determines when a project is placed in the 3-year plan, PG&E's involvement in the process, if property owners share in the cost and who determines the cost to be paid, if industrial/commercial areas were normally selected, and if aesthetics was also considered.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the revised Three-Year Underground Utility District Plan hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(2:15 P.M.) CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 59 - FINAL TRACT MAP NO. 5135**

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Public Works Director Ruiz requested the hearing be continued to January and the date and time was set for January 13, 2004, at 10:15 a.m.

Jeff Roberts, Granville Homes, spoke support of the continuance.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the hearing on Community Facilities District No. 2, Annexation No. 59 continued to January 13, 2004, at 10:15 a.m., by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3-B) RESOLUTION - AMENDING RESOLUTION NO. 2003-17 RELATING TO THE ELECTION OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT(IMPLEMENTING A ROTATION SYSTEM) - COUNCILMEMBER CALHOUN**

Councilmember Calhoun advised this was the third time this issue has been presented to Council; spoke in support of changing the election process stating each council member was equal and no one was better than the other; stated the rotation process was predictable and would eliminate "back room" deals, real or alleged; advised the Fresno and Madera County Board of Supervisors and the Madera City Council uses the rotation system and it works; read into the record how the process would work (as contained in his report to Council) and clarified an election would still be held on January 6<sup>th</sup> and the new rotation process would not begin until 2005; and made a motion to

approve, which motion was seconded and later acted upon.

Gloria Torrez stated the Council President needed to be a fair person and one who does not cut people off or dictate what should be said.

Lengthy discussion ensued. Councilmember Duncan concurred with Councilmember Calhoun and spoke in support of the rotation process; stated the current election process had not been a smooth one in the past and has been stressful noting it once took over 22 votes to elect a Council President; and stated the rotation process works extremely well for the Board of Supervisors and encouraged Council's support. Councilmember Perea stated he opposed the rotation process as he felt the Council President was a position to be earned and not given, he saw this as a leadership position, and stated if any member wanted to be President he/she first needed to demonstrate he/she could build a coalition among council colleagues and the colleagues needed to have confidence in that person to serve in that capacity. Councilmember Dages stated

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he supported the rotation process as it worked well; stated one thing that needed to be understood was the Council President chairs and conducts council meetings, he/she was not the President of City Hall or the Mayor, and stated maybe the term "president" has taken the issue out of its context; suggested the position title be changed to Council Chairperson; noted the rotation process would eliminate all the "bickering, personalities and jockeying back and forth trying to get four votes"; stated, if approved, he also wanted to see this process applied to the Redevelopment Agency; and added this would also give council members a shot at increased pay.

Upon question of Acting President Castillo, City Attorney Montoy, reading from the Charter, stated the Council President would fill in for the Mayor if a vacancy occurred. Acting President Castillo stated being on a rotation basis went against what democracy stood for; stated the President of the United States and city officials are elected on a majority vote and the Council President should continue to be elected on a majority vote; and stated he believed there were some people who should not be Council President based on previous behavior on the dais. Councilmember Sterling expressed concern with the proposed process stating passing over the President position may be viewed as sign of weakness when there might be valid reasons for passing the position over, and requested clarification on when and how the rotation would start, with Councilmember Calhoun responding. Ms. Montoy pointed out the Charter talks about an annual election and clarified if this resolution were to pass it would be automatic but at the same time there would be a confirming vote to insure compliance with the Charter. President Boyajian spoke to the duties of the Council President stating it was much more than just running meetings; stated the most important thing the President does is bring collaboration of the Council and explained citing the Strong Mayor form of government; stressed Council was the legislative body and needed to collaborate, bring people together, and work for the people; and stated he would not support, and never has supported, the rotation system.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above entitled Resolution implementing a Council President rotation system failed, by the following vote:

Ayes	:	Calhoun, Dages, Duncan
Noes	:	Castillo, Perea, Sterling, Boyajian
Absent	:	None

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**(2:30 P.M.) AWARD CONTRACT FOR WORKER'S COMPENSATION THIRD PARTY ADMINISTRATION SERVICES AND EXTEND EXISTING CONTRACT WITH ROSS AND CASTILLO FOR UP TO A THREE MONTH TRANSITION PERIOD**

**1. RESOLUTION NO. 2003-400 - APPROVE THE RECLASSIFICATION OF \$125,000 FROM CONTINGENCY TO MEET COST INCREASES ASSOCIATED WITH THIRD PARTY ADMINISTRATOR CONTRACT SERVICES**

**(6 - 0)** Personnel Director Gonzalez introduced and commended the committee staff members who worked on the assignment stating it was a difficult project, and gave an overview of the issue and the three recommendations, all as contained in the staff report as submitted .

Ms. Gonzalez, Steve Wye, President of American All-Risk Loss Administrators (AARLA), and an unidentified committee/staff member clarified issues and/or responded to questions and/or comments of Acting President Castillo relative to how third party administration affects health costs, what AARLA will do/plans to do to capture workers compensation loss that Ross and Castillo did not,

physicians being part of the ongoing problem and if physicians who will put employees back to work sooner are being looked at, incentives to AARLA or the City to reduce costs, amount of savings anticipated, if loss figures are available now so AARLA can begin looking at the possibility of recapturing some of the losses, cases per examiner/dramatic reduction in cases/number of staff, and AARLA's ability to look at cases/have information available on-line.

Councilmember Duncan stated the more he studied the issue the more he was impressed by AARLA and their program, stated having information available on-line was a huge benefit, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion. Ms. Gonzalez, Risk Analyst Connelly, City Manager Hobbs and Mr. Wye clarified issues and/or responded to questions of Councilmember Dages and President Boyajian relative to how much money is spent yearly on workers comp claims, why administering the program could not be done in-house, if AARLA was a local business, \$8 million at stake and need for expertise in this area, how the service will be performed/savings will be realized with less people at a lesser cost, if case loads will be lowered, and specifics about AARLA, staffing and experience with public agencies.

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On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, staff directed to prepare and execute a three year contract with American All-Risk Loss Administrators (AARLA) to act as a third party administrator (TPA) for the City's self-insured Workers's Compensation program; staff directed to prepare and execute an extension to the existing contract with the current TPA, Ross and Castillo, for a period not to exceed three months in order to allow for a transition period between administrators; and the above entitled Resolution No. 2003-400 reclassifying \$125,000 from Contingency Reserve to costs associated with the administration of the program for the remainder of the current fiscal year in order to meet industry accepted claims-to-examiner standards and increases in administration costs hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian  
Noes : Dages  
Absent : None

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### **(2:00 P.M. #3) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 3:23 p.m.

Chair Duncan noted this was his last meeting as Chair of the Agency; stated it had been a wonderful experience for him and the best part was working with this Council who he emphasized was 100% committed to the rebuilding of the city; commended agency staff for their hard work and professionalism; stated a lot of positive things were happening downtown and in the inner city and explained; and stated the city had an extraordinary redevelopment team and he was proud and honored to represent the Agency as Chairman this past year and added it was going to be a bittersweet day in January when he has to step down as Chair.

### **APPROVE AGENCY MINUTES OF DECEMBER 9, 2003**

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of December 9, 2003, approved as submitted.

**(“A”) JOINT RESOLUTION NO. 2003-401/ 1643 - APPROVING A FUNDING AND REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH AND SAFETY CODE REGARDING STORM DRAINAGE FACILITIES/BASIN “T” IMPROVEMENTS WITHIN THE AIRPORT REVITALIZATION REDEVELOPMENT PROJECT AREA (THE GAP)**

- 1. APPROVE A \$900,000 LOAN FROM THE WATER OPERATING FUND TO THE GAP PONDING BASIN “T” LOAN FUND**
- 2. RESOLUTION NO. 2003-402 - 57<sup>TH</sup> AMENDMENT TO AAR 2003-209 APPROPRIATING \$1,100,000 FOR THE GAP PONDING BASIN “T” EXPANSION AND STORM DRAINAGE IMPROVEMENTS**

Public Works Director Ruiz reviewed the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-401/1643 hereby adopted; the \$900,000 loan from the Water Operating Fund approved; the City Manager and Agency Executive Director, or designees, authorized to sign the Reimbursement Agreement; staff directed to prepare plans and specifications for the expansion of the existing Ponding Basin "T" on property currently owned by the City of Fresno and to advertise the project for bidding upon approval of the plans and specifications by the Public Works Director and Purchasing Manager, and upon approval by the Federal Aviation Administration (FAA) of the incidental use of the City-owned property for storm drainage purposes; the amendment to the \$500,000 grant to the City of Fresno from the California Technology, Trade and Commerce Agency extending the grant expiration date to September 30, 2004, hereby ratified; the above entitled Resolution No. 2003-402 hereby adopted; and staff authorized to negotiate and execute an agreement between the City and The Gap, Inc., for the mutual benefit of both parties, subject to approval by the City Attorney's Office, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None  
Absent : None

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**("B") RECEIVE DESIGN GUIDELINES AND REVIEW PROCEDURES AND GATHER COMMENTS FROM NEIGHBORHOOD DESIGN REVIEW COMMITTEES AND OTHER GROUPS AND PERSONS. STAFF TO INCORPORATE COMMENTS INTO A FINAL VERSION OF THE DOCUMENT WHICH WILL BE SUBMITTED TO THE AGENCY/COUNCIL FOR APPROVAL AT A LATER DATE**

Agency Director Fitzpatrick gave an overview of the issue as contained in the staff report as submitted. **(7 - 0)** Councilmember Calhoun commended Agency staff and an intern for all their work stating he was very pleased with what was before him, and spoke in support of preserving Fresno's history, noted the general plan now contained a policy with teeth in it to enforce guidelines that were not there before, and stated he was happy to support this process.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the Design Guidelines and Review Procedures received and staff directed to gather comments from neighborhood advisory committees and other groups and persons, including the Blue Ribbon Commission, the Historic Preservation Commission, and the Housing and Community Development Commission, with staff to incorporate the comments into a final version of the document which will be submitted for Council/Agency action in approximately sixty days, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None  
Absent : None

Chair Duncan stated when he became Chair one of his goals was to show that each member cared about the downtown and inner city whether they were from the northeast or northwest, and that this was not seven Fresnos but one Fresno, and stated that was accomplished and stated it was clear each member was committed. President Boyajian stated the passion Chair Duncan has for downtown is tremendous and Chair Duncan made a believer out of him.

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The joint bodies adjourned their meeting at 3:44 p.m. and the City Council reconvened in regular session.

**(2:45 P.M.) APPROVE ESTABLISHMENT OF A BUDGET COMMITTEE TO BE APPOINTED BY THE COUNCIL PRESIDENT - COUNCILMEMBER PEREA**

Councilmember Perea stated there was uncertainty with the State daily, noted reality hit the this month when the city did not receive its first monthly check from the vehicle license fee (VLF) backfill, stated there was now a significant loss to the city's general fund and clarified until Sacramento comes up with a solution the city will receive a direct hit of \$1.5 million, and stated it was important that a budget committee be formed to start looking at mid-year budget cuts, work with the administration and staff, and report back to Council, and made a motion to establish a budget committee, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Calhoun stated this was not a good idea, the City Council were not micro-managers,

stressed past experience has shown too much takes place behind closed doors and noted he once served on a committee and it was a “mess”, pointed out the Mayor already sent a letter to Sacramento and staff was already requested early in the meeting to report back early next year with information on appropriate actions to take if the VLFs are not backfilled including the use of the contingency budgets in place; emphasized it was not Council’s job to work with department heads, plans were already in place, and Council as policy makers did not need to get in the middle of staff’s work and “muck it up”; and concluded stating the committee reports back with supposedly the “will of the Council” and that was not true. Councilmember Duncan stated he agreed with much of Councilmember Calhoun’s comments; stated it was the role of the city manager to establish budget recommendations and he had a great deal of comfort knowing professionals would be involved in looking at different options and bringing back recommendations for Council to consider, debate and act on; stressed Council members going through something as serious as looking at adjusting the budget downward had enormous implications because people’s jobs were at stake; stated providing the city manager the opportunity to do his job and report back with recommendations after more is known was appropriate and would give employees the best assurance that this matter will be studied in the most serious and professional manner; and stated, should it be determined Council involvement is needed once information is received by staff, he felt the new Council President should be involved in determining which direction the Council should take. City Manager Hobbs assured Council staff was taking the strongest steps possible, referenced the Mayor’s strongly worded letter sent to the Governor and his press conference in which he was critical of the Governor and the legislature; advised of a conference call yesterday that he was part of and of an e-mail received from Chris McKenzie, Executive Director of the League of California Cities as a follow-up to that conference call and read into the record some key points on what was taking place; and stated he would invite Council collaboration on the issue at the right time, he was not contemplating cuts in services at this time, and stated if worse comes to worse contingency plans were in place.

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Councilmember Dages stated he supported both the committee idea and staff looking into the issue; stressed something needed to be done, the issue needed to be looked at now, and everyone needed to work together and figure out what items the city can do without; and stated he would support the motion and also look on his own on what he can do without stating he did not want to depend on the State or the VLF backfill. Councilmember Sterling stated she agreed with Councilmember Dages and she would also support the motion. Mr. Hobbs and Controller Quinto responded to questions and comments of Acting President Castillo relative to when staff would be reporting back, concern with not taking any action and waiting and hoping for retroactive VLF backfill, and when the next VLF check was expected. Acting President Castillo stated it was known the money will not be there until something happens in the legislature and that was why he supported establishing a budget committee, stated this was not about back room deals but was about the committee working with the city manager to try to look for ideas and ways to make some cuts that will be as painless as possible; and stressed he believed every position needed to be looked at that was not critical to the city’s mission and stated tough decisions will be made everywhere.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, a Council Budget Committee hereby established with appointments to be made by the Council President, by the following vote:

Ayes: : Castillo, Dages, Perea, Sterling, Boyajian  
Noes : Calhoun, Duncan  
Absent : None

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**RECESS - 4:07 P.M. - 4:22 P.M.**

**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: BOMBAY CORPORATION, ET AL. V. CITY OF FRESNO, SUPERIOR COURT CASE NO. 02 CE CG 02021**

**(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLES: CITY ATTORNEY AND CITY CLERK**

The City Council met in closed session in Room 2125 at the hour of 4:22 p.m. to consider the above issues and adjourned thereafter. The City Attorney’s evaluation was started and continued to January 13, 2004, and the City Clerk’s evaluation was continued to January 20, 2004.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 4:40 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

**Approved** on the \_\_6th\_\_ day of \_\_\_\_January\_\_\_\_\_, 2004.

\_\_\_\_\_/s/\_\_\_\_\_  
Tom Boyajian, Council President

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk